

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.772 of 2014

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Sheo Shankar Pandit @ Sheo Shankar Kumar @ Munna

.... Petitioner/s

Versus

Smt. Uma Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

3 14-12-2015

Heard the learned counsel, Mr. Manoj Kumar Sinha for
the petitioner.

By the impugned order, the Court below has rejected the
application filed by the plaintiff-petitioner to pass judgment
according to Order 12 Rule 6.

According to the learned counsel for the petitioner, the
defendants have appeared and filed written statement admitting
the case of the plaintiff.

Perused the order passed by the Court below. It appears
that Court below recorded finding that the admission is not clear
and that the same can be decided only after perusal of the
evidences of the parties.

Order 12 Rule 6 of the C.P.C. empowered the Court to
pass judgment on admission where admissions of fact have been
made either in the pleading or otherwise, whether orally or in

writing, the Court may at any stage of the suit, either on the application of any party or of its own motion pass the judgment and according to Sub Rule 2, a decree shall be drawn up in accordance with the judgment.

Therefore, in view of the provision, this provision is not mandatory and it is the discretion of the Court. Further, considering the submission of the parties, the Court below has recorded finding that the admission is not clear and, therefore, the impugned order cannot be interfered with in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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